S/S 7814760
KR-S/S 7815534

DEPARTMENT OF STATE

Washington, D.C. 20520

(31)

August 15, 1978

COPIES:
S
D
P
ARA
IO
H
L
HA
USOAS
S/S-S
TMC
RPovhd

LIMITED OFFICIAL USE

MEMORANDUM FOR DR. ZBIGNIEW BRZEZINSKI
THE WHITE HOUSE

SUBJECT: Reply to Secretary General Orfila by President Carter on the American Convention on Human Rights

Attached is a copy of the letter of July 19, 1978 from Orfila to the President informing him that the American Convention on Human Rights is now in force. A proposed reply from President Carter is also attached.

You have also requested recommendations on steps which can be taken by the Executive to encourage early ratification of the American Convention. Action in this session is out of the question and the outlook for next session is not hopeful without a major effort. Senator Church's staff has told us that in his opinion there is no likelihood of Senate consideration of the Convention unless the Executive Branch assigns it a very high priority and actively lobbies for it. Lack of action on the convention could raise questions about the sincerity of our commitment to the cause of human rights, and thus hinder a major objective of our Latin American policy. However, there are problems involved in pressing for Senate advice and consent.

-- The American Convention contains provisions (right to life, capital punishment, property rights, an Inter-American Court) which will generate controversy in the US and make Senate consideration of the matter difficult even with the reservations we have recommended

DEPARTMENT OF STATE
REVIEWED BY R. Valar DATE 12/26/84
RDS☐or XDS☐EXT. DATE
ITS AUTH. EXEMPTION(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☒
RELEASE DENIED☐
PA or FOI EXEMPTIONS

-- The Convention is only one part of a larger package of treaties concerning human rights now pending with the Senate. These include the Genocide Convention which has been before the Senate since 1949 and is priority number one for most non-governmental human rights organizations in the U.S. The other treaties are: the UN Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Convention on Elimination of all forms of Racial Discrimination. Each of these Treaties has strong proponents who will be arguing for priority treatment.

As we see the situation, these steps might be considered now:

-- The State Department should undertake further informal consultations with Senate leadership and staff to assess attitudes about the possibility of moving forward in the next session on these treaties.

-- As part of these consultations, efforts should be made to ascertain what specific steps could be taken to meet particular concerns about controversial provisions in the treaties.

-- Well in advance of the next session of Congress, the State Department should make a preliminary assessment and recommendation as to the priorities with respect to efforts to seek ratification of the various human rights treaties during that session

In view of the many uncertainties in this matter, we feel it best to avoid any reference to specific timetables for U.S. ratification in the proposed letter to Orfila.

David Anderson for

Peter Tarnoff
Executive Secretary

Attachments:

1. Copy of Orfila Letter to President Carter
2. Proposed Reply from President Carter

SUGGESTED REPLY

Dear Mr. Secretary General:

Thank you very much for your letter calling attention to the fact that on July 18, 1978 Grenada deposited its instrument of ratification of the American Convention on Human Rights, thereby bringing that Convention into force. I share your view that it was, indeed, an historic moment for the American.

As you know, United States adherence to the Convention is now awaiting approval by our Senate, and I look forward to the day when the United States joins the growing list of countries that have become formal parties to the Convention. This Administration will give high priority to ratification of the human rights conventions and covenants which are before the Senate for advice and consent.

May I also take this opportunity to express appreciation to you and to the General Assembly of the OAS for the hospitality you accorded me. It was a pleasure to see you again.

Sincerely,

Jimmy Carter

His Excellency
Alejandro Orfila,
Secretary General of the
Organization of American States,
Washington, D. C.

ORGANIZATION OF AMERICAN S
WASHINGTON, D.C.

THE SECRETARY GENERAL

July 19, 1978

Dear Mr. President:

Distinguished statesmen of the Hemisphere have characterized the signing of the Panama Canal Treaties by General Torrijos and yourself on September 7, 1977 at the Organization of American States, as the major historical event in the life of the Inter-American System.

Yesterday at the OAS, I was party to a historical moment for the Americas when the Government of Grenada, in the person of its Ambassador to the OAS, H. E. Fabian Alexis Redhead, deposited its instrument of ratification of the American Convention on Human Rights. By this action the Government of Grenada brought into force and effect, in the words of Ambassador Redhead, "this remarkable Convention -- vital to the very essence of human existence." On this occasion, Mr. President, I noted that in this Hemisphere concern with protecting human rights is neither novel or new, nor a temporary phenomenon. To the contrary, it is the essence of the spirit of the Americas -- its principles and its peoples

Knowing of your deep commitment to the protection of human rights, I thought you would want me to officially bring to your attention this important event. At the same time I take this occasion to express to you my deep appreciation for your once more having honored us with your presence at the inaugural session of the OAS General Assembly on June 21st.

With very best wishes.

Sincerely,

Alejandro Orfila

The President
of the United States
of America
The White House
Washington, DC

cc: H. E. Gale McGee
Ambassador, Permanent Representative

4489

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

7814760

July 24, 1978

ACTION TO: ARA

COPIES TO:
S
D
P
S/P
S/PRS
UNA
H
HA
L
S/S
S/S-S
TMC
S/S-S-JJ
RF(jhw)

MEMORANDUM FOR: Mr. Peter Tarnoff
Executive Secretary
Department of State

SUBJECT: Response to Letter from OAS Secretary General and Ratification of the American Convention

Please provide a recommended response for Presidential signature to the attached letter from OAS Secretary General Orfila, and also recommendations on steps which the State Department and the White House could take to encourage early ratification of the American Convention.

Christine Dodson
Staff Secretary

Received in S
7/25 at 11

3/a

To the Chairman's.

7815534

7814760

DEPARTMENT OF STATE

ACTION MEMORANDUM

S/S

ORIG:O/FADRC
COPIES:
S
D
P
ARA
IO
H
L
HA
USOAS
TMC
S/S-S
RF:vhd

AUG 4 1978

LIMITED OFFICIAL USE

TO : THE SECRETARY

THROUGH: P - Mr. Newsom

FROM : ARA - Viron P. Vaky
USOAS - Irving G. Tragen

SUBJECT: Ratification of American Convention on Human Rights

Issue for Decision

The NSC has asked us for recommendations on steps the Department and the White House could take to encourage early ratification of the American Convention on Human Rights.

Essential Factors

There are five specific treaties (in addition to several others from ILO) concerning human rights now pending before the Senate: The Genocide Convention which has been awaiting action since 1949; the American Convention on Human Rights, the Convention on Elimination of All Forms of Racial Discrimination, and the UN Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights. The last four were submitted as a package to the Senate earlier this year.

Strong conservative opposition exists to all these treaties and a major effort will be required for Senate action on any of them. Our best estimate is that the Genocide Convention has the best prospect for passage. Over the years, it has been repeatedly approved in committee and could be moved to the floor reasonably quickly when and if the Senate leadership feels the votes are available to pass it.

The greatest controversy can be expected over the American Convention because of provisions on the right to life, capital punishment, property rights, and an Inter-American Court. Not only have we detected no enthusiasm in the Senate to take up this treaty but a campaign is already underway against any Senate consideration and action on these issues.

In addition, there is a problem of conflicting priorities with other legislative areas. A list of State Department priorities has already been forwarded to the White House. SALT, and other major arms control agreements were ranked highest. Since that list was forwarded, we have concluded some important new agreements, such as boundary treaties. In addition, treaties not acted upon by the end of this Congressional session will need to be resubmitted in 1979, and we will therefore need to prepare a new list of priorities at that time.

ARA and USOAS have a special concern about the American Convention which, as you know, is now in effect (with 12 ratifying nations and more expected soon). The Convention represents a commitment to encourage the cause of human rights, a cause which has become fundamental to our policy in the Hemisphere. U.S. inaction on the treaty will leave us vulnerable to charges of hypocrisy, and could well serve to neutralize the pressure we are attempting to apply in the OAS and in bilateral relations for human rights improvements. IO has similar concerns about the UN covenants.

While informal soundings by HA and L indicate that no legislative action is possible on the human rights agreements during the short interim until Senate adjournment this year, there are several things that we can do now:

-- The State Department, with the White House approval, can give the Senate Foreign Relations Committee a clear list of our priorities for human rights for the next session which could be: first, to report out the Genocide Convention, if floor action is likely to be favorable, and second to hold early hearings on the American Convention followed later in the Session with hearings on the UN Treaties. This means breaking out the American Convention from the other treaties which [illegible]. IO feels that the UN covenants on civil and political rights should be at least on equal footing. L feels that

the American Convention is likely to spark a contentious debate which could prejudice the consideration of human rights treaties generally. I therefore believes that we should consult with the Senate leadership and then establish a strategy designed to bring about early approval for as many of the human rights treaties as possible.

-- We can begin informal consultations now with key Senate members and staff on the Convention.

-- Following these consultations we can encourage Senate hearings early in 1979.

Recommendation:

That you authorize dispatch of the attached Tarnoff-Brzezinski memo suggesting a coordinated White House-State Department approach to the Senate leadership.

Approve ✓ Disapprove _____

15 AUG 1978 Revised and retyped in D

Attachments:

Tab 1 - Tarnoff-Brzezinski Memo
Tab 2 - Dodson to Tarnoff Memo

Drafted:USOAS:MYohn/IGTrage

Clearances:
HA-Miss Boyd (in draft)
H - Miss Lample (in draft)
IO-Mr. Dalley (in draft)
L -Mr. Feldman (in draft)
ARA/PPC-Mrs. Oakley (in draft)
ARA-Mr. Lister (in draft)